

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JONATHAN SILVERMAN, an individual,

Plaintiff,

v.

PAYWARD, INC., a Delaware corporation;
PAYWARD VENTURES, INC., a Delaware
corporation; and INFINITUDE, LTD., a
Delaware corporation,

Defendants.

Case No. 1:19-cv-02997-JSR

**SUPPLEMENTAL DECLARATION
OF PAMELA MERKADEAU**

REDACTED

SUPPLEMENTAL DECLARATION OF PAMELA MERKADEAU

I, Pamela Merkadeau, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I have personal knowledge of the facts in this declaration from information contained in relevant corporate records, made and maintained under my supervision, as part of my normal business duties and in the ordinary course of business.

2. As stated in my previous declaration, I am currently employed at Payward, Inc. (“Payward”) as in-house Counsel.

3. As stated in my previous declaration, I oversaw the negotiations regarding a severance agreement with Plaintiff Jonathan Silverman (“Silverman”) on behalf of Payward.

4. As stated in my previous declaration, I have reviewed Silverman’s Complaint in this action (1:19-cv-02997-JSR). I understand that Silverman alleges that Payward and Silverman entered into an oral settlement agreement for payment to Silverman of \$907,631. I also understand that Silverman alleges in Paragraph 39 of his Complaint that I confirmed this oral agreement in conversations with his prior counsel. This is not true. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] These clauses were still being negotiated when Silverman's prior counsel ceased communication.

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. Attached as Exhibit A is a true and correct copy of email communications between myself and Silverman's prior counsel regarding a potential settlement agreement.

7. Attached as Exhibit B is a true and correct copy of the draft settlement agreement circulated between Payward and Silverman. It was never signed or agreed to.

8. Attached as Exhibit C is a true and correct copy of the last email exchange between myself and Silverman's prior counsel regarding the potential settlement agreement. [REDACTED]

[REDACTED]

[REDACTED] Following my receipt of this email, I called Silverman's prior counsel and left her a voicemail instructing her that she should send me redline edits to the agreement first. This was the last communication I had

with Silverman's prior counsel. Silverman and his prior counsel never followed up on the November exchange.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated: May 24, 2019
New York, New York

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Pamela Merkadeau", is written over a horizontal line.

By: _____
Pamela Merkadeau